



DISABILITY AND COMMUNICATION ACCESS BOARD

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INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all buildings and facilities constructed by, or on behalf of the State or any county, shall conform to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-217, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

Docket: **DCAB 2002-09:** Interpretive Opinion on ADAAG 4.1.1(5) Application, General Exceptions – Mechanical Rooms, clarification on AAC #93-59.552, Interpretive Opinion to ADAAG 4.1.1(5).

Summary: Per ADAAG 4.1.1(5)(b), General Exceptions, accessibility is not required to (i) observation galleries used primarily for security purposes; or (ii) in non-occupiable spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways, or freight (non-passenger) elevators, and frequented only by service personnel for repair purposes; such spaces include, but are not limited to, elevator pits, elevator penthouses, piping or equipment catwalks.

Although the Committee is concerned about 103-50 plans which have dubious “non-occupiable spaces,” the ultimate responsibility and liability for these buildings and facilities lies with the user agency. Under current State law, DCAB does not have the authority to debate the credibility of construction documents.

Ruling: For buildings or facilities subject to HRS § 103-50,

ADAAG 4.1.1 Application – General Exceptions – Mechanical Rooms, and AAC #93-59.552

DCAB will not provide further details for general exceptions under ADAAG 4.1.1(5).

[Amend: 10/02][Rul: 01/01/94;AAC93-59.552] (Auth and Imp: HRS §103-50)

If you have any questions or comments regarding this ruling, please call us at 586-8121.

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